

EXHIBIT 1

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

160-2005-01180

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)
Mr. Diego Santiago

HOME TELEPHONE (Include Area Code)
914-762-4686

STREET ADDRESS CITY, STATE AND ZIP CODE
13 Van Wack Street Ossining, NY 10562

DATE OF BIRTH
11/13/54

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS
Ossining Police Dept. 54

TELEPHONE (Include Area Code)
914-941-4099

STREET ADDRESS CITY, STATE AND ZIP CODE
88 Spring Street Ossining, NY 10562

COUNTY
Westchester

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☒ OTHER (Specify)
ETHNICITY

DATE DISCRIMINATION TOOK PLACE EARLIEST

05/01

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheets):

SEE ATTACHED

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

Date 12/3/05 Charging Party (Name)

EEOC FORM 5 (REV. 3/01)

Statement of Facts:

1. I bring this charge against the Ossining Police Department and any associated parties for discrimination based on race and ethnicity.
2. I have been employed by the respondents as a Police Officer in the Ossining Police Department since approximately July 1982.
3. I am of Puerto Rican descent and speak Spanish fluently.
4. I have had an excellent attendance record and have had good performance reviews and have had no major disciplinary problems.
5. In or about May of 2001, I applied for a promotion to the position of Detective, but was denied.
6. In or about May of 2002, I applied for a promotion to the position of Detective, but was denied.
7. In or about June of 2003, I applied for a promotion to the position of Detective, but was denied.
8. In or about June of 2004, I applied for a promotion to the position of Detective, but was denied.
9. I believe I was denied these promotions because of my race and ethnicity.
10. I have been employed by respondents for longer than all but two of the Detectives who are currently employed by respondents.
11. I am often called into investigations by Detectives to translate between Spanish and English for them because there is no detective who is certified to translate.
12. It is my belief that I am as qualified or more qualified than the individuals who were promoted to the rank of Detective.
13. None of the individuals promoted to the position of Detective are Hispanic, speak Spanish, and know the Hispanic community.
14. There are no employees of respondents above the rank of Police Officer who are Hispanic, speak Spanish, and know the Hispanic community.
15. There are approximately only six other Police Officers employed by respondent who are Hispanic out of approximately 54 employees.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 Washington, DC 20507

Office of the Chair

Dear Small Business Manager:

EEOC is the federal agency with primary responsibility for enforcing our nation's equal employment opportunity (EEO) laws. The laws we enforce prohibit job discrimination based on race, color, religion, sex, national origin, age and disability. We have enclosed a Fact Sheet which provides an overview of EEOC's procedures from the time a charge of employment discrimination is filed to the point that it is resolved.

In most cases, as our first step in processing a charge, we offer mediation as a neutral, voluntary and confidential way to achieve a mutually satisfactory resolution for all parties. Sixty-five percent of charges that are mediated are successfully resolved. In an independent study, 96% of employers who tried mediation said they would use it again if the need arose.

In addition to the EEOC representative identified on the "Notice of Charge of Discrimination," each of our district offices has a Small Business Liaison to provide technical assistance and help to resolve questions about the laws we enforce, mediation, and the charge process. For example, as part of the President's New Freedom Initiative, we provide technical assistance to small employers on the benefits of hiring individuals with disabilities. We have also developed a user-friendly Internet Web site (www.eeoc.gov) which has a special site designed to help small businesses who need to know more about EEO laws and the EEOC charge process. Telephone and e-mail numbers of our Small Business Liaisons are also listed on our Web site. Additional notes from all the pages on our Web site that may be of particular interest to you are in the attachment.

I encourage you to contact the Small Business Liaison in your area to answer any questions you may have and assure you that any inquiry or request for information will not adversely affect the investigation of the charge filed.

Yours truly,

Carol M. Dominguez
 Carol M. Dominguez, Chair

U.S. Equal Employment Opportunity Commission

Attachment: Get the Facts: Small Business Information
Answers to Your Questions May Be Only a "Click" Away

What laws does the Equal Employment Opportunity Commission enforce?

The Equal Employment Opportunity Commission (EEOC) enforces the following federal laws: Title VII of the Civil Rights Act of 1964 (Title VII), Age Discrimination in Employment Act (ADEA), Equal Pay Act (EPA), and the Americans with Disabilities Act (ADA). These laws prohibit employment discrimination based on race, color, sex, religion, national origin, age, disability or in retaliation for opposing job discrimination, filing a charge or participating in proceedings under the laws. EEOC's mandate is to determine in a fair and objective manner whether the laws it enforces have been violated.

What small businesses are covered?

The laws cover all private employers, state and local government employers, and educational institutions that employ 15 or more individuals, except for ADEA which covers employers with 20 or more employees. These laws also cover private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training.

When can employees file charges?

Employees must file their charge with EEOC within 180 days from the date of the alleged discrimination. If the employer is also covered by a state or local employment discrimination law, the time to file a charge with EEOC is extended to 300 days.

How are charges filed with the EEOC?

Any individual who believes that his or her employment rights have been violated because of his or her race, color, sex, religion, national origin, age, disability or because of retaliation may file a charge of discrimination with EEOC. Under statute, EEOC must accept the filing of a charge.

EEOC investigators interview individuals alleging employment discrimination to establish whether we have jurisdiction. Investigators explore in detail a potential charging party's description of the alleged violation and the pertinent date(s). This information is assessed to determine the potential merits of the charge. Based upon our assessment, we advise the potential charging party whether we will investigate or immediately dismiss the charge.

EEOC will notify the employer within 10 days of accepting a charge. Notification normally includes a copy of the charge briefly identifying (a) the charging party, (b) the bases and issue(s) of the allegation, (c) the date of the alleged violation, and (d) an explanation of the employer's obligation to retain records pertaining to the charge. An invitation to mediate the complaint may also be included in the notification package.



Can a small business resolve a charge without an investigation?

Yes EEOC has a free mediation program. The program is voluntary at all stages of the process. Neutral mediators provide employers and charging parties the opportunity to reach mutually agreeable solutions, while making efficient use of their time and money.

In the event that mediation does not result in a settlement, the charge is referred for investigation. Information disclosed by the parties during the mediation will not be used as a part of EEOC's investigation. Moreover, mediators are bound by confidentiality provisions and may not provide information about the mediation to EEOC investigative staff.

How does EEOC investigate allegations of employment discrimination?

An EEOC investigator asks the employer to respond to the allegations in the charge and provide documentation to substantiate its response. EEOC usually asks for a written answer; however, on-site visits may occur to conduct document reviews and interviews. Although it is not usually necessary, if an employer does not provide the requested information or access, the EEOC may issue a subpoena for access, documents, or testimony. As soon as practical after we receive the position statement and gathering evidence from the employer, EEOC will determine whether to investigate further, propose settlement or dismiss the charge.

What are an individual's rights once the charge has been dismissed?

If EEOC decides that there is insufficient evidence to conclude that a violation exists, the investigator explains the rationale for the decision to the charging party. He or she is given a dismissal notice which includes the right to file a lawsuit in federal court. The statutes EEOC enforces give a charging party the right to proceed in court within

90 days of receiving their dismissal notice. The laws also permit the charging party to choose to proceed to federal court instead of waiting for the EEOC to complete its investigation. In some cases, EEOC may issue a notice of right to sue upon the charging party's request.

What does the EEOC do if it determines that a violation has occurred?

If EEOC decides that there is reasonable cause to believe that discrimination occurred, the investigator explains the rationale to the employer. This is followed by a written determination and invitation to enter into conciliation discussions. The purpose of these discussions is to eliminate the discrimination and provide relief to the charging party and others, if appropriate, without going to court. Negotiations will continue for a reasonable period until the case is resolved or conciliation fails. Conciliation agreements are ordinarily signed by the charging party, the employer, and the EEOC office director.

Under what circumstances will EEOC pursue a charge in federal court?

If the conciliation efforts fail, EEOC will determine if it will sue a private employer or recommend litigation to the Department of Justice for state and local government employers. If EEOC decides against litigation, the charging party will be given his or her right to file a lawsuit in federal court.



For more small business information, please refer to EEOC's website at www.eeoc.gov or contact the nearest EEOC field office in your area by calling 1-800-669-4000 (voice) or 1-800-669-8820 (TTY)

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 3rd Floor
New York, New York 10004-2113
Telephone: (212) 336-3645
FAX: (212) 336-3633

AGREEMENT TO MEDIATE

CHARGE NUMBER: 160 2005 01180

This is an agreement by the parties to participate in mediation concerning the charge of _____.

We understand that mediation is a voluntary process, which we may terminate at any time.

The parties and, if they desire, their representatives are invited to attend the mediation sessions. No one else may attend without the permission of the parties and the consent of the mediator.

The mediator will not function as the representative of either party. However, the mediator may assist the parties in understanding their rights and the terms of any proposed settlement agreement. Each party acknowledges having been informed of the right to consult with an attorney of his or her choosing before signing any agreement.

We agree that the mediator has the discretion to terminate mediation at any time if he or she believes that the case is inappropriate for mediation or that an impasse has been reached.

We hereby affirm that we will come to the EEOC with the authority to enter into a binding agreement, and that we will enter the mediation process with a good faith intent to settle this dispute during the EEOC mediation session.

We recognize that the mediation process is a confidential proceeding and agree to abide by the Confidentiality Agreement which is attached.

The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for Mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

Charging Party Date

Respondent Date

Charging Party's Representative Date

Respondent's Representative Date